

AUG 02 2005

Attorney Dkt. No. 51275/152

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: application of:

Theoharis C. Theoharides

Filing date: 3/30/2004

Serial No.: 10/811,859

Priority from copending PCT/US02/00476, filed 01/03/2002,  
copending USSN 09/771,669, filed 01/30/2001, and USSN 09/056,707, filed  
4/8/1998, now USPN 6,689,748, issued 2/10/2004

For: Olive Kernel Organic Extract Product: Solubility and Absorption Promoter

Group Art Unit: 1655

Examiner: Patricia A. Leith

RESPONSE TO RESTRICTION REQUIREMENT AND CORRECTION OF FILING  
RECEIPTCommissioner for Patents  
Box 1450  
Alexandria, VA 22313-1450

Sir:

The Restriction Requirement for claim 43 dated 07/27/2005 is traversed

Hexane, heptane and octane are simply members and obvious variants of a group of organic compounds referred to as acyclic, medium chain length, straight chain hydrocarbons of the general formula of  $\text{CH}_3-(\text{CH}_2)_n-\text{CH}_3$ , wherein in hexane  $n=4$ , in heptane  $n=5$  and in octane  $n=6$  (see exhibit page from the Handbook of Chemistry and Physics, 49<sup>th</sup> ed). As can be seen, these hydrocarbons differ from each only by a single methylene group. Their solubility properties are virtually identical. Thus, this group is perfectly suited to a Markushian claim, and its members do not create patentably distinct inventions. It would be appropriate to withdraw the Restriction Requirement.

However, to fulfill the requirement 37 CFR 1.143, hexane is provisionally elected, and this reads only on claims 43 and 48.

In addition, on 10/26/2004, on 11/17/2004 and again on 05/05/2005, the applicant requested correction of the Filing Receipt to show the correct title of the application. We have yet to receive a corrected Filing Receipt.

Respectfully submitted,

**Date: 08/02/2005**

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